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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/600,197             | JAGER, GERRIT       |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Dana Ross              | 3722                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed 24 January 2005.

2.  The allowed claim(s) is/are 1-9 and 12-21.

3.  The drawings filed on 20 June 2003 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

|  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____. | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material           | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |



DENNIS R. ROSS  
SUPERVISORY PATENT EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laura Wanek on 8 February 2005.

The application has been amended as follows:

In the claims:

Claim 10 is cancelled.

***Allowable Subject Matter***

2. Claims 1-9 and 12-21 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art of record neither anticipates nor renders obvious a method for the production of a rim as claimed in independent claim 1, specifically wherein the rim, in combination with the machining device as claimed, is *pivoted* around an axis by a predefined angular range.

The closest prior art is EP 579525A (hereafter referred to as '525A) as is discussed in detail in the previous office action.

Applicant's arguments as to '525A not teaching the rim being "pivoted around an axis by a predefined angular range" is persuasive.

'525A teaches first and second machining means with either the tool or the rim being rotatable about an axis X-X' (see figure 9C of '525A). It is noted that '525A is in the French

Language and JP 6182629A is the Japanese equivalent document of 525A. A translation from www.freetranslations.com (for ‘525A) and a translation from the Japanese Patent Office website (for ‘629A) is provided by the examiner for the record. It is noted that the *rotation* of the tool or the rim is taught by ‘525A as is shown on page 5, bottom paragraph of the attached translation. It is further shown in the ‘629A Japanese document on page 10, paragraph 0026.

Though ‘525A teaches the rotation of the workpiece, ‘525A does not disclose “pivoting” the rim around an axis by a predefined angular range. Applicant’s disclosure teaches the “pivoting” of the rim by a range (see page 5, 4<sup>th</sup> paragraph, for example) and places criticality on the pivoting to the machining process which contrasts with the general rotational rim or tool teaching of ‘525A.

Rotate is defined by Merriam Websters as 1 : to turn about an axis or a center : REVOLVE; especially : to move in such a way that all particles follow circles with a common angular velocity about a common axis.

Applicant has defined the pivoting of a workpiece as being within an predefined “angular range” which is not the same as a rotating workpiece as taught by ‘529A.

‘525A also teaches the machining means moving in an arc-shape by movement of the tool (see figures 7b and 7a of ‘525A), but does not teach “pivoting” the tool or workpiece for the machining process by a predefined angular range.

‘525A does not disclose a “pivoting” of the workpiece in the machining process.

Therefore ‘525A does not anticipate the claimed invention as claimed in independent claim 1, specifically wherein the method includes a rim being pivoted around an axis by a

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predefined angular range. Furthermore, there is no motivation found to modify the method as taught '529A to include the rim being pivoted around an axis by a predefined angular range.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

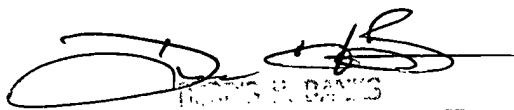
### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
dmr

  
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